

# GIS REGISTRY

## Cover Sheet

May, 2009  
(RR 5367)

### Source Property Information

BRRTS #: 02-45-000636

ACTIVITY NAME: Alto Dairy (Former)

PROPERTY ADDRESS: 307 N Clark St

MUNICIPALITY: Black Creek

PARCEL ID #: 220035200

CLOSURE DATE: Sep 22, 2010

FID #: 405120650

DATCP #:

COMM #: 54106971907A

#### \*WTM COORDINATES:

X: 643076 Y: 445996

*\* Coordinates are in  
WTM83, NAD83 (1991)*

#### WTM COORDINATES REPRESENT:

Approximate Center Of Contaminant Source

Approximate Source Parcel Center

Please check as appropriate: (BRRTS Action Code)

#### Contaminated Media:

Groundwater Contamination > ES (236)

Contamination in ROW

Off-Source Contamination

*(note: for list of off-source properties  
see "Impacted Off-Source Property")*

Soil Contamination > \*RCL or \*\*SSRCL (232)

Contamination in ROW

Off-Source Contamination

*(note: for list of off-source properties  
see "Impacted Off-Source Property")*

#### Land Use Controls:

N/A (Not Applicable)

Soil: maintain industrial zoning (220)

*(note: soil contamination concentrations  
between non-industrial and industrial levels)*

Structural Impediment (224)

Site Specific Condition (228)

Cover or Barrier (222)

*(note: maintenance plan for  
groundwater or direct contact)*

Vapor Mitigation (226)

Maintain Liability Exemption (230)

*(note: local government or economic  
development corporation)*

#### Monitoring Wells:

Are all monitoring wells properly abandoned per NR 141? (234)

Yes  No  N/A

*\* Residual Contaminant Level*

*\*\*Site Specific Residual Contaminant Level*

This Adobe Fillable form is intended to provide a list of information that is required for evaluation for case closure. It is to be used in conjunction with Form 4400-202, Case Closure Request. The closure of a case means that the Department has determined that no further response is required at that time based on the information that has been submitted to the Department.

**NOTICE: Completion of this form is mandatory** for applications for case closure pursuant to ch. 292, Wis. Stats. and ch. NR 726, Wis. Adm. Code, including cases closed under ch. NR 746 and ch. NR 726. The Department will not consider, or act upon your application, unless all applicable sections are completed on this form and the closure fee and any other applicable fees, required under ch. NR 749, Wis. Adm. Code, Table 1 are included. It is not the Department's intention to use any personally identifiable information from this form for any purpose other than reviewing closure requests and determining the need for additional response action. The Department may provide this information to requesters as required by Wisconsin's Open Records law [ss. 19.31 - 19.39, Wis. Stats.].

BRRTS #:  PARCEL ID #:   
ACTIVITY NAME:  WTM COORDINATES: X:  Y:

**CLOSURE DOCUMENTS** (the Department adds these items to the final GIS packet for posting on the Registry)

- Closure Letter**
- Maintenance Plan** (if activity is closed with a land use limitation or condition (land use control) under s. 292.12, Wis. Stats.)
- Continuing Obligation Cover Letter** (for property owners affected by residual contamination and/or continuing obligations)
- Conditional Closure Letter**
- Certificate of Completion (COC)** (for VPLE sites)

**SOURCE LEGAL DOCUMENTS**

- Deed:** The most recent deed as well as legal descriptions, for the **Source Property** (where the contamination originated). Deeds for other, off-source (off-site) properties are located in the **Notification** section.  
**Note:** If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.
- Certified Survey Map:** A copy of the certified survey map or the relevant section of the recorded plat map for those properties where the legal description in the most recent deed refers to a certified survey map or a recorded plat map. (lots on subdivided or platted property (e.g. lot 2 of xyz subdivision)).  
**Figure #:**                      **Title:**
- Signed Statement:** A statement signed by the Responsible Party (RP), which states that he or she believes that the attached legal description accurately describes the correct contaminated property.

**MAPS** (meeting the visual aid requirements of s. NR 716.15(2)(h))

Maps must be no larger than 11 x 17 inches unless the map is submitted electronically.

- Location Map:** A map outlining all properties within the contaminated site boundaries on a U.S.G.S. topographic map or plat map in sufficient detail to permit easy location of all parcels. If groundwater standards are exceeded, include the location of all potable wells within 1200 feet of the site.  
**Note:** Due to security reasons municipal wells are not identified on GIS Packet maps. However, the locations of these municipal wells must be identified on Case Closure Request maps.  
**Figure #: 1**                      **Title: Site Location Map**
- Detailed Site Map:** A map that shows all relevant features (buildings, roads, individual property boundaries, contaminant sources, utility lines, monitoring wells and potable wells) within the contaminated area. This map is to show the location of all contaminated public streets, and highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding a ch. NR 140 Enforcement Standard (ES), and/or in relation to the boundaries of soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Levels (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.  
**Figure #: 2**                      **Title: Site Layout**
- Soil Contamination Contour Map:** For sites closing with residual soil contamination, this map is to show the location of all contaminated soil and a single contour showing the horizontal extent of each area of contiguous residual soil contamination that exceeds a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.  
**Figure #: 4**                      **Title: Extent of Soil Contamination**

BRRTS #: 02-45-000636

ACTIVITY NAME: ALTO DAIRY (FORMER)

**MAPS (continued)**

- Geologic Cross-Section Map:** A map showing the source location and vertical extent of residual soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL). If groundwater contamination exceeds a ch. NR 140 Enforcement Standard (ES) when closure is requested, show the source location and vertical extent, water table and piezometric elevations, and locations and elevations of geologic units, bedrock and confining units, if any.

**Figure #:**                      **Title:**

**Figure #:**                      **Title:**

- Groundwater Isoconcentration Map:** For sites closing with residual groundwater contamination, this map shows the horizontal extent of all groundwater contamination exceeding a ch. NR140 Preventive Action Limit (PAL) and an Enforcement Standard (ES). Indicate the direction and date of groundwater flow, based on the most recent sampling data.

**Note:** This is intended to show the total area of contaminated groundwater.

**Figure #:**                      **Title:**

- Groundwater Flow Direction Map:** A map that represents groundwater movement at the site. If the flow direction varies by more than 20° over the history of the site, submit 2 groundwater flow maps showing the maximum variation in flow direction.

**Figure #:**                      **Title:**

**Figure #:**                      **Title:**

**TABLES (meeting the requirements of s. NR 716.15(2)(h)(3))**

Tables must be no larger than 11 x 17 inches unless the table is submitted electronically. Tables must not contain shading and/or cross-hatching. The use of **BOLD** or *ITALICS* is acceptable.

- Soil Analytical Table:** A table showing remaining soil contamination with analytical results and collection dates.  
**Note:** This is one table of results for the contaminants of concern. Contaminants of concern are those that were found during the site investigation, that remain after remediation. It may be necessary to create a new table to meet this requirement.

**Table #: 1                      Title: Summary of Soil Analytical Results**

- Groundwater Analytical Table:** Table(s) that show the most recent analytical results and collection dates, for all monitoring wells and any potable wells for which samples have been collected.

**Table #:                      Title:**

- Water Level Elevations:** Table(s) that show the previous four (at minimum) water level elevation measurements/dates from all monitoring wells. If present, free product is to be noted on the table.

**Table #:                      Title:**

**IMPROPERLY ABANDONED MONITORING WELLS**

For each monitoring well not properly abandoned according to requirements of s. NR 141.25 include the following documents.

**Note:** If the site is being listed on the GIS Registry for only an improperly abandoned monitoring well you will only need to submit the documents in this section for the GIS Registry Packet.

- Not Applicable**

- Site Location Map:** A map showing all surveyed monitoring wells with specific identification of the monitoring wells which have not been properly abandoned.

**Note:** If the applicable monitoring wells are distinctly identified on the Detailed Site Map this Site Location Map is not needed.

**Figure #:**                      **Title:**

- Well Construction Report:** Form 4440-113A for the applicable monitoring wells.

- Deed:** The most recent deed as well as legal descriptions for each property where a monitoring well was not properly abandoned.

- Notification Letter:** Copy of the notification letter to the affected property owner(s).

BRRTS #: 02-45-000636

ACTIVITY NAME: ALTO DAIRY (FORMER)

## NOTIFICATIONS

### Source Property

**Not Applicable**

**Letter To Current Source Property Owner:** If the source property is owned by someone other than the person who is applying for case closure, include a copy of the letter notifying the current owner of the source property that case closure has been requested.

**Return Receipt/Signature Confirmation:** Written proof of date on which confirmation was received for notifying current source property owner.

### Off-Source Property

Group the following information per individual property and label each group according to alphabetic listing on the "Impacted Off-Source Property" attachment.

**Not Applicable**

**Letter To "Off-Source" Property Owners:** Copies of all letters sent by the Responsible Party (RP) to owners of properties with groundwater exceeding an Enforcement Standard (ES), and to owners of properties that will be affected by a land use control under s. 292.12, Wis. Stats.

**Note:** Letters sent to off-source properties regarding residual contamination must contain standard provisions in Appendix A of ch. NR 726.

**Number of "Off-Source" Letters:**

**Return Receipt/Signature Confirmation:** Written proof of date on which confirmation was received for notifying any off-source property owner.

**Deed of "Off-Source" Property:** The most recent deed(s) as well as legal descriptions, for all affected deeded **off-source property(ies)**. This does not apply to right-of-ways.

**Note:** If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.

**Letter To "Governmental Unit/Right-Of-Way" Owners:** Copies of all letters sent by the Responsible Party (RP) to a city, village, municipality, state agency or any other entity responsible for maintenance of a public street, highway, or railroad right-of-way, within or partially within the contaminated area, for contamination exceeding a groundwater Enforcement Standard (ES) and/or soil exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL).

**Number of "Governmental Unit/Right-Of-Way Owner" Letters:**



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Matthew J. Frank, Secretary  
Ronald W. Kazmierczak, Regional Director

Oshkosh Service Center  
625 East County Road Y, STE. 700  
Oshkosh, WI 54901-9731

FAX 920-424-4404

September 22, 2010

MR MARK TOLLAKSON  
SAPUTO CHEESE USA INC  
245 11<sup>TH</sup> ST  
MONROE WI 53566

SUBJECT: Final Case Closure with Continuing Obligations  
**Alto Dairy (former)**, 307 N. Clark St., Black Creek, Wisconsin  
**WDNR BRTS Activity # 02-45-000636**

Dear Mr. Tollakson:

On November 17, 2009, the Northeast Regional Closure Committee (the "Committee") reviewed the above referenced case for closure. This committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. On November 24, 2009, you were notified that the Closure Committee had granted conditional closure to this case. The Department revised the conditional closure decision on June 25, 2010, after additional soil contamination was discovered in December 2009.

On September 21, 2010, the Department received the final information or documentation indicating that you have complied with the requirements for final closure. Documentation submitted to satisfy the closure conditions since November 24, 2009 includes the abandonment forms for MW-1 and MW-3, purge water and waste removal documentation, groundwater GIS Registry fee of \$250, updated figures and tables for the GIS Registry and a filed copy of the affidavit (document #1885068, filed September 10, 2010) rescinding the groundwater use restriction from March 17, 1999 (document #1317579).

Based on the correspondence and data provided, it appears that your case meets the closure requirements in ch. NR 726, Wisconsin Administrative Code. The Department considers this case closed and no further investigation or remediation is required at this time, however, you and future property owners must comply with certain continuing obligations as explained in this letter.

### GIS Registry

This site will be listed on the Remediation and Redevelopment Program's GIS Registry. The specific reasons are summarized below:

- Residual soil contamination exists that must be properly managed should it be excavated or removed;
- Pavement, an engineered cover or a soil barrier must be maintained over contaminated soil and the state must approve any changes to this barrier;
- Groundwater is no longer above the enforcement standard in the location of the former floor drain in the former truck bay.

This letter and information that was submitted with your closure request application and subsequent submittals will be included on the GIS Registry. To review the sites on the GIS Registry web page, visit the RR Sites Map page at <http://dnr.wi.gov/org/aw/rr/gis/index.htm>. If the property is listed on the GIS Registry because of remaining contamination and you intend to construct or reconstruct a well, you will need prior Department approval in accordance with s. NR 812.09(4)(w), Wis. Adm. Code. To obtain approval, Form 3300-254 needs to be completed and submitted to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line <http://dnr.wi.gov/org/water/dwg/3300254.pdf> or at the web address listed above for the GIS Registry.

### Closure Conditions

Please be aware that pursuant to s. 292.12 Wisconsin Statutes, compliance with the requirements of this letter is a responsibility to which you and any subsequent property owners must adhere. You must pass on the information about these continuing obligations to the next property owner or owners. If these requirements are not followed or if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, welfare, or the environment, the Department may take enforcement action under s. 292.11 Wisconsin Statutes to ensure compliance with the specified requirements, limitations or other conditions related to the property or this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code. The Department intends to conduct inspections in the future to ensure that the conditions included in this letter **including compliance with referenced maintenance plans are met.**

### Cover or Barrier

Pursuant to s. 292.12(2)(a), Wis. Stats., the pavement or other impervious cap that currently exists in the location shown on the attached map shall be maintained in compliance with the **attached maintenance plan** in order to minimize the infiltration of water and prevent additional groundwater contamination that would violate the groundwater quality standards in ch. NR 140, Wis. Adm. Code, and to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health. If soil in the specific locations described above is excavated in the future, the property owner at the time of excavation must sample and analyze the excavated soil to determine if residual contamination remains. If sampling confirms that contamination is present the property owner at the time of excavation will need to determine whether the material is considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules. In addition, all current and future owners and occupants of the property need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken during excavation activities to prevent a health threat to humans.

The attached maintenance plan and inspection log are to be kept up-to-date and on-site. Please submit the inspection log to the Department only upon request.

### Prohibited Activities

The following activities are prohibited on any portion of the property where pavement, a building foundation or other barrier is required as shown on the attached map, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources: 1) removal of the existing barrier; 2) replacement with another barrier; 3) excavating or grading of the land surface; 4) filling on capped or paved areas; 5) plowing for agricultural cultivation; 6) construction or placement of a building or other structure.

### Post-Closure Notification Requirements

In accordance with ss. 292.12 and 292.13, Wis. Stats., you must notify the Department before making changes that affect or relate to the conditions of closure in this letter. For this case, examples of changed conditions requiring prior notification include, but are not limited to:

- Disturbance, construction on, change or removal in whole or part of pavement, an engineered cover or a soil barrier that must be maintained over contaminated soil

Please send written notifications in accordance with the above requirements to **DNR Northeast Region Office, 2984 Shawano Ave, Green Bay, WI 54313-6727**, to the attention of **NER RR Program Associate**.

### Continuing Obligations

The following DNR fact sheet, RR-819, "Continuing Obligations for Environmental Protection" has been included with this letter, to help explain a property owner's responsibility for continuing obligations on their property. If the fact sheet is lost, you may obtain a copy at <http://dnr.wi.gov/org/aw/rr/archives/pubs/RR819.pdf>.

The Department appreciates your efforts to restore the environment at this site. If you have any questions regarding this closure decision or anything outlined in this letter, please contact Jennifer Borski in Oshkosh at (920) 424-7887.

Sincerely,



Bruce G. Urben, Team Supervisor  
Northeast Remediation & Redevelopment Program

Attach.

- *Figure 4, Extent of Soil Contamination, 7/6/10*
- *Cap/Barrier Maintenance Plan, July 2010*
- *Continuing Obligations for Environmental Protection, RR-819*

Paper Copy:

Michael Flanagan, Foley & Lardner LLP, 777 E. Wisconsin Ave., Milwaukee, WI 53202  
Michael Simpson, Reinhart Boerner Van Deuren, 1000 N Water St, STE 2100, Milwaukee, WI 53202  
J. Borski, DNR

Electronic Copy:

Mark Tollakson, Saputo ([mtollakson@saputo.com](mailto:mtollakson@saputo.com))

Debra Guzman, Saputo ([dguzman@saputo.com](mailto:dguzman@saputo.com))

Ward Cramer, Saputo ([wrcramer@saputo.com](mailto:wrcramer@saputo.com))

Michael Flanagan, Foley & Lardner LLP ([mflanagan@foley.com](mailto:mflanagan@foley.com))

Michael Simpson, Reinhart Boerner Van Deuren ([msimpson@reinhartlaw.com](mailto:msimpson@reinhartlaw.com))

Susan Petroske, AECOM ([susan.petroske@aecom.com](mailto:susan.petroske@aecom.com))

David de Courcy-Bower, AECOM ([david.decourcybower@aecom.com](mailto:david.decourcybower@aecom.com))

Scott McKittrick, Bonestroo ([scott.mckittrick@bonestroo.com](mailto:scott.mckittrick@bonestroo.com))



1317579

Document Number

GROUNDWATER USE RESTRICTION

Declaration of Restrictions

In re: Part of the Southeast Quarter (SE1/4) of the Southeast Quarter(SE1/4)of Section 8, Township 23 North of Range 17 East, VILLAGE OF BLACK CREEK, Wisconsin, described as follows: Commencing 383 feet West and 33 feet South from the Northeast corner of said Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) and run thence South 180 feet, which shall be the place of beginning, thence West 150 feet, thence South 60 feet, thence East 150 feet, thence North 60 feet to the place of beginning. ALSO A PARCEL OF LAND in the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 8, Township 23 North of Range 17 East, VILLAGE OF BLACK CREEK, Wisconsin, more fully described as follows: Commencing at the Northeast (NE) corner of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 8, Township 23 North of Range 17 East, being in the centerline of Elm Street, 383.0 feet to the West line of Clark Street extended North; thence South, along the West line of Clark Street extended North, 33.0 feet to the South line of Elm Street; thence South, along the West line of Clark Street, 240.0 feet to the point of beginning; thence continuing South, along the West line of Clark Street, 183.0 feet to a point; thence West 210.0 feet to a point; thence North, 243.0 feet to a point; thence East 60.0 feet to a point; thence East 150.0 to the point of beginning.

OUTAGAMIE COUNTY RECEIVED FOR RECORD

MAR 17 1999

AT 12:20 O'CLOCK A.M. P.M. GRACE HERB REGISTER OF DEEDS

Recording Area

Name and Return Address

Mr. Ken Leitner Alto Dairy P.O. Box 550 Waupun, WI 53963-0550

pd 14.00

Parcel Identification Number (PIN)

STATE OF WISCONSIN ) ) ss COUNTY OF OUTAGAMIE )

WHEREAS, Alto Dairy Cooperative, a Wisconsin Cooperative Creamery, is the owner of the above-described property.

WHEREAS, one or more petroleum discharges have occurred at this property. Petroleum contaminated groundwater above NR 140 enforcement standards exists on this property at the following location(s): Groundwater contamination of benzene located at monitoring well - 2 (MW-2) at a concentration of 9.2 parts per billion, collected on June 17, 1998. Location of monitoring wells are provided on Attachment A, (Figure 1) hereby made a part of this restriction.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct additional soil or groundwater remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. NR 140 groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by ch. NR 811 and ch. NR 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific prohibitions or requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by, the Wisconsin Department of Natural Resources, its successors and assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that the restrictions set forth in this covenant are no longer required. Upon receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, with a copy of the Department's written determination, may be recorded to give notice that this groundwater use restriction, or portions of this groundwater use restriction are no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 16 day of March, 1999.

By signing this document, Kenneth Leitner acknowledges that he is duly authorized to sign this document on behalf of Alto Dairy Cooperative.

Signature: *Ken Leitner*

Printed Name: Ken Leitner

Title: VP PIT Operations

Subscribed and sworn to before me

this 16 day of March, 1999

*Donald De Motte*

Notary Public, State of Wisconsin

My commission 7/28/02

This document was drafted by the Wisconsin Department of Natural Resources.

# Cap/Barrier Maintenance Plan

**Saputo Cheese USA Inc. (Former Alto Dairy)  
307 North Clark Street  
Black Creek, Wisconsin**

**Parcel ID: 22035200**

**WDNR FID: 405120650**

**Former Floor Drain/Diesel UST Area**  
WDNR BRRTS: 02-45-000636

**PAH Area**  
WDNR BRRTS: 02-45-550976

**July 2010**

# Cap/Barrier Maintenance Plan

**Saputo Cheese USA Inc. (Former Alto Dairy)**  
**307 North Clark Street**  
**Black Creek, Wisconsin**

**Former Floor Drain/Diesel UST Area**  
WDNR BRRTS: 02-45-000636

**PAH Area**  
WDNR BRRTS: 02-45-550976

**Date: July 2010**

## **Introduction**

The purpose of this document is to establish a Maintenance Plan (Plan) for the existing asphalt pavement and building foundation that will serve as a cap/barrier at two areas on the property where residual soil contaminant concentrations exceed their respective WAC Ch NR 720 Residual Contaminant Levels (RCLs) at the Saputo Cheese (Former Alto Dairy) facility, located at 307 North Clark Street in the Black Creek, Wisconsin (Site). This Plan has been developed in accordance with the requirements of Wisconsin Administrative Code (WAC) Chapters (Chs) NR 720.19(2) and 724.13(2). The locations of the cap/barrier to be maintained in accordance with this Plan, as well as the extents of impacted soil, are included in Figure 1.

More site-specific information about this property can be found in:

- The case files in the Wisconsin Department of Natural Resources (WDNR) northeast region, Oshkosh Service Center or by contacting the WDNR project manager;
- BRRTS on the Web (WDNR's internet based database of contaminated sites): <http://botw.dnr.state.wi.us/botw/SetUpBasicSearchForm.do>; and
- GIS Registry PDF file for further information on the nature and extent of contamination: <http://dnrmaps.wisconsin.gov/imf/imf.jsp?site=brrts2>.

## **Description of Contamination**

Residual soil impacts for the two release areas consist of the following:

### Former Floor Drain/Diesel UST Area (WDNR BRRTS: 02-45-000636)

Soil contaminated by petroleum contamination is located at a depths ranging from 1 to 8 feet below ground surface (bgs) on the eastern portion of the Site. These residual impacts are located beneath the paving and existing building. The extent of the soil impacts that exceeded the RCLs is limited to in the area of the former floor drain, former diesel underground storage tank (UST), and utility trench as illustrated on attached **Figure 1**.

PAH Area (WDNR BRRTS: 02-45-550976)

Soil contaminated by polycyclic aromatic hydrocarbons (PAH) is located at a depth of approximately two to four feet bgs near the central portion of the Site. These residual impacts are located beneath the paving and existing building. The extent of the soil impacts exceeding the RCLs is limited to the area illustrated on attached **Figure 2**.

**Cap/Barrier Construction and Purpose**

The existing asphalt pavement and building will serve as the cap/barrier. The existing asphalt pavement is approximately 3 to 6 inches thick, and is underlain by approximately 4 to 6 inches of gravel base course and/or fill material. The existing slab on grade building in the cap area has a concrete floor. The concrete floor is approximately 6 inches thick underlain by approximately 12 inches of gravel and/or fill material. Under the fill material are native clay deposits. Groundwater is encountered at approximately 5 to 7 feet below grade.

The pavement cap/barrier will serve as a barrier to eliminate the direct-exposure pathway between the residual soil impacts and workers/visitors who access the Site. The cap/barrier also acts as a partial infiltration barrier to minimize future soil-to groundwater contamination migration which could potentially cause a violation of the groundwater standards in WAC ch. NR 140. As the Site is located in a predominantly industrialized area of Black Creek and is operated as an industrial facility, the barriers should function as intended unless they are disturbed or are not maintained.

**Annual Inspection**

The paved surfaces and building foundation overlying the residual soil impacts and as shown on **Figure 3**, will be inspected once a year, normally in the spring after all snow and ice is gone, for deterioration, cracks and other potential problems that can cause additional infiltration into or exposure to the underlying soils. The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from traffic, increasing age and other factors. Any area where soils have become or are likely to become exposed will be documented. A log of the inspections and any repairs will be maintained by the property owner and is included as **Table 1**. The log will include recommendations for necessary repair of any areas where underlying soils are exposed. Once repairs are completed, they will be documented in the inspection log. A copy of the inspection log will be maintained on Site and shall be made available to the WDNR, if requested.

**Cap/Barrier Maintenance Activities**

If problems are noted during the annual inspections or at any other time during the year, the following actions will be taken:

- Notify the Site Manager within 24 hours;
- Repair the damaged area of the cap/barrier as soon as possible, in coordination with the Site Manager, to specifications matching or exceeding those of the current barriers; and
- Record the damage and the repair activities on a cap inspection log (Attachment 1) to be kept on-site with the Maintenance Plan.

Repair activities can include patching and filling or larger resurfacing or construction operations. In the event that necessary maintenance activities expose underlying soil, the following actions will be taken by the Site Manager or his designee:

- Provide a copy of this Maintenance Plan to all private and public utilities installing or upgrading utilities and all contractors and/or on-site employees conducting construction, remodeling, repair, or decommissioning activities in the area of the residual impacted soils.
- Inform maintenance workers of the direct contact exposure hazard and provide them with appropriate personal protective equipment;
- Monitor the excavation of subsurface soil in the areas designated as containing residual impacted soils by field observations and/or laboratory analysis of soil samples, as appropriate;
- Dispose of all impacted soil excavated from the restricted area (or otherwise, based on in-field observations and laboratory results) in accordance with applicable solid waste rules and regulations;
- Restore the excavated area to specifications matching or exceeding those of the current barriers; and
- Record the cap/barrier disturbance, disposal of the impacted soils, and the cap/barrier restoration activities on the cap inspection log (or similar, as developed by the Site Manager) to be kept with the Maintenance Plan.

In order to maintain the integrity of the asphalt cap/barrier, Saputo, and subsequent Property owners will be required to maintain a copy of this Maintenance Plan at the Site, available for inspection by any interested parties (on-site employees, contractors, future Property/Site owners, *etc.*).

#### **Prohibited Activities and WDNR Notification Requirements**

The following activities are prohibited on any portion of the property where the designated cap/barrier is required as shown on the attached **Figure 3**, unless prior written approval has been obtained from the WDNR:

- Removal of the existing barrier;
- Replacement with another barrier;
- Excavating or grading of the land surface;
- Filling on capped or paved areas;
- Plowing for agricultural cultivation; or
- Construction or placement of a building or other structure.

Prior to performance of any of these activities, the Site owner shall obtain WDNR approval to disturb and/or modify the cap/barrier referenced herein.

#### **Amendment or Withdrawal of Maintenance Plan**

This Plan may be amended or withdrawn by the current Site owner and their successors, if it is determined that the residual soils no longer present a risk to human health or the environment and that presence of the cap/barrier is no longer required. Written approval from the WDNR will be required.

**Contact Information as of July 2010**

Site Manager

Mr. Tom Pleshek  
Saputo Cheese USA Inc.  
307 North Clark Street  
Black Creek, Wisconsin  
(920) 984-3331 ext. 3334

Property Owner Representative:

Mr. Mark Tollakson  
Saputo Cheese USA Inc.  
25 Tri-State International Office Centre  
Suite 250  
Lincolnshire, IL 60069  
(608) 328-5013

Consultant:

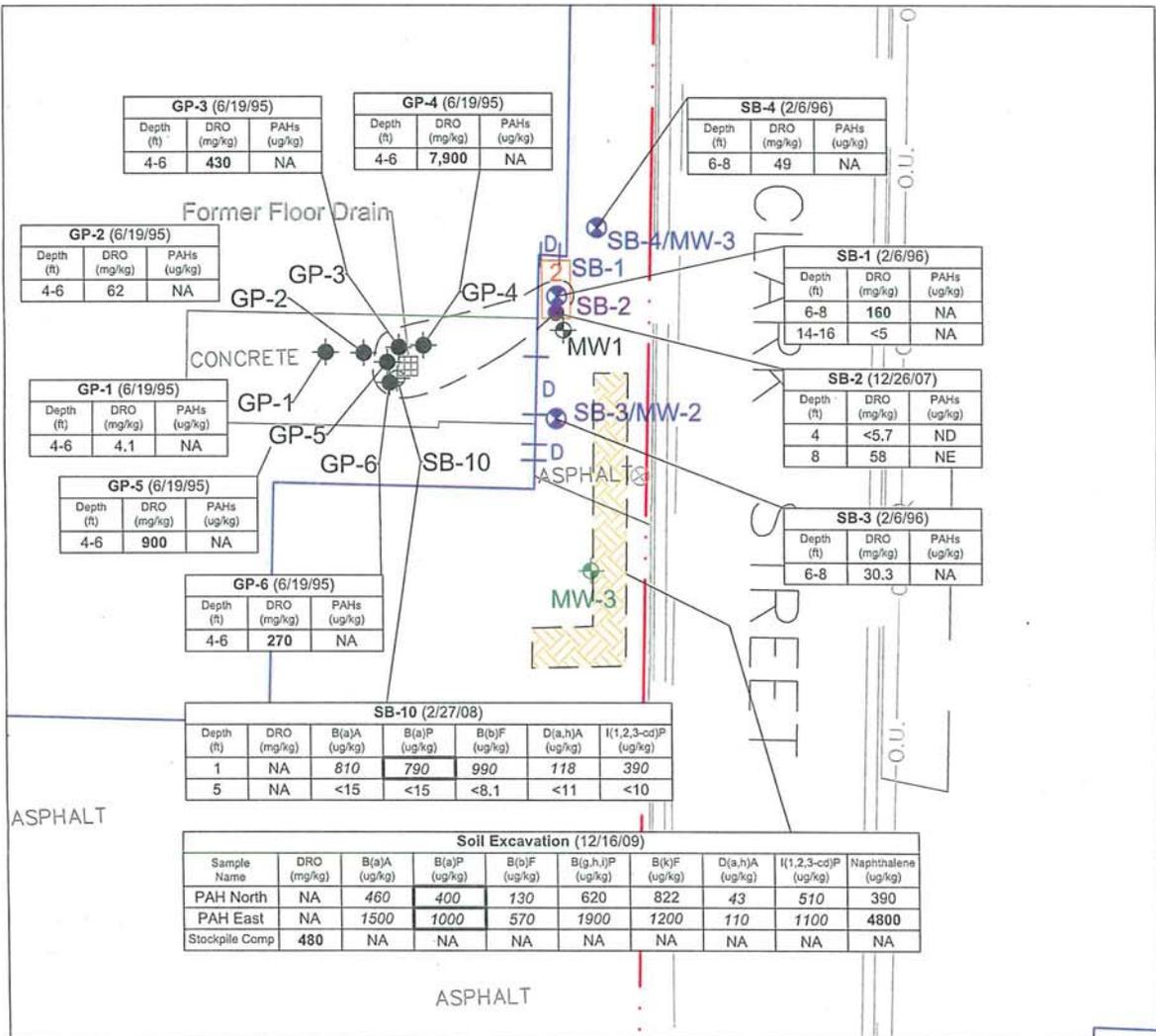
AECOM, Inc.  
Attn: David deCourcy Bower  
11425 West Lake Park Drive, Suite 100  
Milwaukee, WI 53224  
Phone: (414) 577-1377  
Fax: (414) 359-0822

WDNR:

Ms. Jennifer Borski  
Remediation and Redevelopment Program  
Wisconsin Department of Natural Resources  
625 East County Road Y, Suite 700  
Oshkosh, WI 54901-9731  
Phone: (920) 424-7887  
Fax: (920) 424-4404

Attachments: Figure 1 – Extent of Soil Contamination – Former Drain/Diesel UST Area  
Figure 2 - Extent of Soil Contamination – PAH Area  
Figure 3 – Extent of CAP/Barrier

Table 1 – Cap Inspection Log



### LEGEND

- GP-4 SOIL BORING INSTALLED June 19, 1995 by Dames & Moore
- SB-4/MW-3 SOIL BORING INSTALLED February 6, 1996 by Sigma
- SB-10 SOIL BORING INSTALLED December 26, 2007 by ENSR
- MW-1 SOIL BORING INSTALLED February 2008 by Northern Environmental
- SB-10 SOIL BORING INSTALLED February 2008 by Northern Environmental
- MW-3 SOIL BORING INSTALLED April 2010 by AECOM

--- ESTIMATED EXTENT OF SOIL RCL EXCEEDANCES

AREA OF OBSERVABLE IMPACTS (December 2009)

Note: Soil samples PAH North and PAH East collected December 2009 from soils excavated from area of observable impacts identified during sewer line replacement.

--- PROPERTY LINE  
--- BUILDING OUTLINE  
--- CURB AND GUTTER

DIESEL FUEL TANK - REMOVED JANUARY 1977

**Notes:**  
 DRO = Diesel Range Organics  
 PAH = Polycyclic Aromatic Hydrocarbons  
 B(a)A = Benzo(a)Anthracene  
 B(a)P = Benzo(a)Pyrene  
 B(b)F = Benzo(b)Fluoranthene  
 B(g,h,i)P = Benzo(g,h,i)perylene  
 B(k)F = Benzo(k)Fluoranthene  
 D(a,h)A = Dibenzo(a,h)Anthracene  
 I(1,2,3-cd)P = Indeno(1,2,3-cd)Pyrene

NA - Not Analyzed  
 NE - No Exceedances of RCL  
 ND - Not Detected

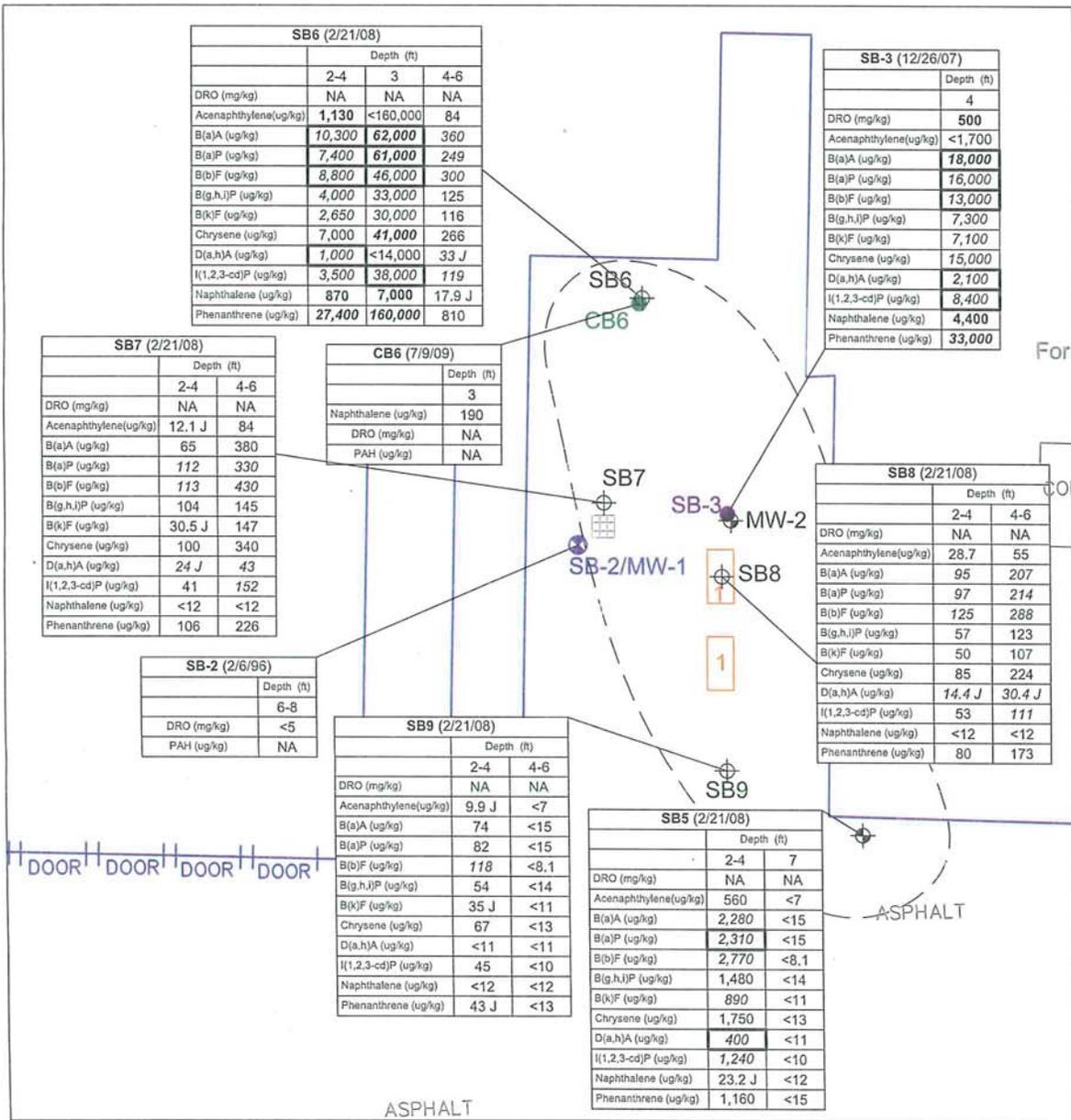
mg/kg - milligrams per kilogram  
 ug/kg - micrograms per kilogram

Only constituents with one or more exceedances of Residual Contaminant Levels as defined in WAC Chapter NR 720, as calculated using WDNR PUB-RR-682, or as defined in WDNR PUB-519-97 are shown.

Concentrations in **bold** are at or above the groundwater protection RCL.  
 Concentrations in *italics* are at or above the non-industrial direct contact RCL.  
 Concentrations outlined are at or above the industrial direct contact RCL.

 Scale: 1"=20' Saputo Cheese USA Inc Source: Former Alto Dairy Site Plan	Extent of Soil Contamination Former Floor Drain/Diesel UST Area Former Alto Dairy 307 North Clark Street Black Creek, Wisconsin 07/06/10 Job No. 02812-091	Figure 1 www.aecom.com
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Reduced 11x17" to 8.5x11"



LEGEND

- GP-4 ◆ SOIL BORING INSTALLED June 19, 1995 by Dames & Moore
- SB-4/MW-3 ◆ SOIL BORING INSTALLED February 6, 1996 by Sigma
- SB-10 ◆ SOIL BORING INSTALLED December 26, 2007 by ENSR
- MW-1 ◆ SOIL BORING INSTALLED February 2008 by Northern Environmental
- SB-10 ◆ SOIL BORING INSTALLED February 2008 by Northern Environmental
- ESTIMATED EXTENT OF SOIL RCL EXCEEDANCES
- PROPERTY LINE
- BUILDING OUTLINE
- CURB AND GUTTER
- 1 FUEL OIL TANKS - REMOVED JULY 1995

**Notes:**  
 DRO = Diesel Range Organics; PAH = Polycyclic Aromatic Hydrocarbons; B(a)A = Benzo(a)Anthracene; B(a)P = Benzo(a)Pyrene; B(b)F = Benzo(b)Fluoranthene; B(g,h,i)P = Benzo(g,h,i)perylene; B(k)F = Benzo(k)Fluoranthene; D(a,h)A = Dibenzo(a,h)Anthracene; I(1,2,3-cd)P = Indeno(1,2,3-cd)Pyrene

NA - Not Analyzed

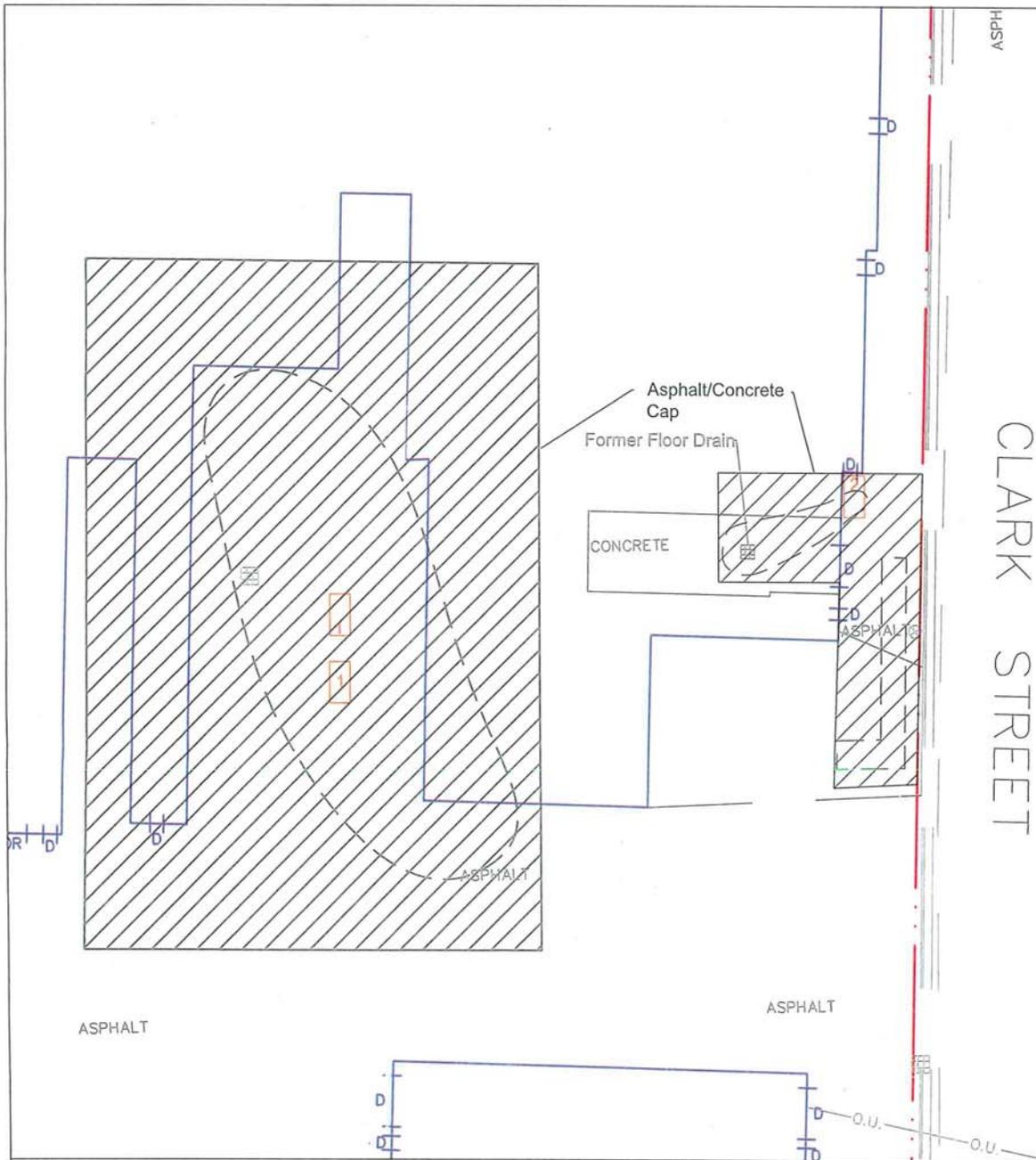
mg/kg - milligrams per kilogram  
 ug/kg - micrograms per kilogram

Only constituents with one or more exceedances of Residual Contaminant Levels (RCL) as defined in WAC Chapter NR 720, as calculated using WDNR PUB-RR-682, or as defined in WDNR PUB-519-97 are shown.

Concentrations in **bold** are at or above the groundwater protection RCL.  
 Concentrations in *italics* are at or above the non-industrial direct contact RCL.  
 Concentrations outlined are at or above the industrial direct contact RCL.  
 Estimated extent of soil RCL exceedances shown as dashed line.

<p>Scale: 1"=20'</p>	<p>Saputo Cheese USA Inc</p> <p>Source: Former Alto Dairy Site Plan</p>	<p>Extent of Soil Contamination</p> <p>PAH Area</p> <p>Former Alto Dairy</p> <p>307 North Clark Street</p> <p>Black Creek, Wisconsin</p> <p>07/06/10 Job No. 02812-091</p>	<p>Figure 2</p> <p>www.aecom.com</p>
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Reduced 11x17" to 8.5x11"



**LEGEND**

-  EXTENT OF CAP
-  PROPERTY LINE
-  BUILDING OUTLINE
-  FUEL OIL TANKS - REMOVED JULY 1995
-  DIESEL FUEL TANK - REMOVED JANUARY 1977
-  ESTIMATED EXTENT OF SOIL RCL EXCEEDANCES



Saputo Cheese USA Inc  
 Source: Former Alto Dairy Site Plan

**Extent of Cap/Barrier**  
 CAP Maintenance Plan  
 Former Alto Dairy  
 307 North Clark Street  
 Black Creek, Wisconsin  
 07/06/10 Job No. 02812-091

**Figure 3**  
 www.aecom.com

*Reduced 11x17" to 8.5x11"*





## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Matthew J. Frank, Secretary  
Ronald W. Kazmierczak, Regional Director

Oshkosh Service Center  
625 East County Road Y, STE. 700  
Oshkosh, WI 54901-9731

FAX 920-424-4404

June 25, 2010

MR MARK TOLLAKSON  
SAPUTO CHEESE USA INC  
245 11<sup>TH</sup> ST  
MONROE WI 53566

SUBJECT: **REVISED** Conditional Closure Decision,  
With Requirements to Achieve Final Closure  
**Alto Dairy (former)**, 307 N. Clark St., Black Creek, Wisconsin  
**WDNR BRTS Activity # 02-45-000636**

Dear Mr. Tollakson:

On November 17, 2009, the Northeast Regional Closure Committee (the "Committee") reviewed your request for closure of the case described above and issued a conditional closure letter on November 23, 2009. In December 2009, Saputo Cheese USA Inc ("Saputo") found additional contamination in a utility adjacent to the source area during routine upgrades and over-excavated the utility. This is documented in a report dated December 30, 2009. After discussion with the Department in February 2010, Saputo installed a monitoring well adjacent to the utility to evaluate remaining contamination and analyzed groundwater in April 2010. Saputo found no impacts above standards to groundwater. Saputo submitted documentation on this issue, received on May 19, 2010.

The Department reviewed the additional information regarding the utility and is amending the conditions for closure. The volatile organic compounds (VOCs) and polycyclic aromatic hydrocarbons (PAHs) contamination on the site from the former floor drain in a former truck bay appears to have been investigated and remediated to the extent practicable under site conditions. Your case has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code and will be closed if the following conditions are satisfied:

### **MONITORING WELL ABANDONMENT**

The monitoring wells, MW-1 and MW-3, at the site must be properly abandoned in compliance with ch. NR 141, Wis. Adm. Code. Documentation of well abandonment must be submitted to me on Form 3300-005 found at <http://dnr.wi.gov/org/water/dwg/gw/> or provided by the Department of Natural Resources.

### **PURGE WATER, WASTE AND SOIL PILE REMOVAL**

Any remaining purge water, waste and/or soil piles generated as part of site investigation or remediation activities must be removed from the site and disposed of or treated in accordance with Department of Natural Resources' rules. Once that work is completed, please send appropriate documentation regarding the treatment or disposal of the remaining purge water, waste and/or soil piles.

**UPDATE GIS REGISTRY AND GROUNDWATER USE RESTRICTION FILED WITH DEED**

Groundwater at MW-2 was above the enforcement standard for benzene in June 1998. At the time of review for closure in September 1998, the Department required that a groundwater use restriction be filed with the deed to alert potential purchasers of the contamination. The contamination was also entered on the groundwater GIS Registry. The Committee believes that groundwater monitored at MW-1 in 2008 and 2009 is representative of groundwater conditions in the same location. As a result, the restriction filed to the deed needs to be nullified and the groundwater GIS Registry entry updated. Therefore, a \$250 fee for amending the groundwater GIS Registry is necessary, in accordance with ch. NR 749, Wis. Adm. Code. Please submit a check for \$250, made out to the Department of Natural Resources, to my attention in Oshkosh. In addition, please submit a copy of the recorded deed for the property that includes the document number.

Upon receipt of the fee and deed, the Department will draft a deed affidavit stating that the groundwater use restriction no longer applies and forward the document to you. You will need to file the affidavit with the Outagamie County Register of Deeds office in Appleton, Wisconsin. There will be a fee to file this document. The Register of Deeds office will file the document and provide you with a copy clearly stating the date it was filed. A copy of the affidavit with the recorded date must be submitted to the Department prior to issuance of final closure.

**UPDATE FIGURES AND TABLE 1 FOR GIS REGISTRY**

The soil and groundwater data collected after November 2009 needs to be included in the appropriate figures and tables. Submit amended figures (Site Layout, Extent of Soil Contamination, Groundwater Sampling Locations and Extent of Cap Area) to include the impacted soil area discovered within the utility and Table 1 to include the December 2009 soil removed from the utility (representative of worst-case remaining soil).

When the above conditions have been satisfied, please submit the appropriate documentation (for example, well abandonment forms, disposal receipts, copies of correspondence, etc.) to verify that applicable conditions have been met, and your case will be closed. Your site will be listed on the DNR Remediation and Redevelopment GIS Registry. Information that was submitted with your closure request application will be included on the GIS Registry. To review the site on the GIS Registry web page, visit the RR Sites Map page at: <http://dnr.wi.gov/org/aw/rr/gis/index.htm>.

Please be aware that the case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, or welfare or to the environment.

We appreciate your efforts to restore the environment at this site. If you have any questions, please contact me in Oshkosh at (920) 424-7887.

Sincerely,



Jennifer Borski  
Hydrogeologist  
Bureau for Remediation and Redevelopment

Attachments

Paper Copy:

Michael Flanagan, Foley & Lardner LLP, 777 E. Wisconsin Ave., Milwaukee, WI 53202

Michael Simpson, Reinhart Boerner Van Deuren, 1000 N Water St, STE 2100, Milwaukee, WI 53202

Electronic Copy:

Mark Tollakson, Saputo ([mtollakson@saputo.com](mailto:mtollakson@saputo.com))

Debra Guzman, Saputo ([dguzman@saputo.com](mailto:dguzman@saputo.com))

Ward Cramer, Saputo ([wrcramer@saputo.com](mailto:wrcramer@saputo.com))

Michael Flanagan, Foley & Lardner LLP ([mflanagan@foley.com](mailto:mflanagan@foley.com))

Michael Simpson, Reinhart Boerner Van Deuren ([msimpson@reinhartlaw.com](mailto:msimpson@reinhartlaw.com))

Susan Petrofske, AECOM ([susan.petrofske@aecom.com](mailto:susan.petrofske@aecom.com))

David de Courcy-Bower, AECOM ([david.decourcybower@aecom.com](mailto:david.decourcybower@aecom.com))

Scott McKittrick, Bonestroo ([scott.mckittrick@bonestroo.com](mailto:scott.mckittrick@bonestroo.com))

WARRANTY DEED

Document Number

Document Name

THIS DEED, made between Alto Dairy Cooperative

(Grantor, whether one or more), and Saputo Cheese USA Inc., a Delaware Corporation

(Grantee, whether one or more).

Grantor, for a valuable consideration, conveys to Grantee the following described real estate, together with the rents, profits, fixtures and other appurtenant interests, in Outagamie County, State of Wisconsin ("Property") (if more space is needed, please attach addendum): See attached Exhibit A.

Recorded Apr. 08, 2008 AT 08:41AM OUTAGAMIE COUNTY JANICE FLENZ REGISTER OF DEEDS Fee Amount: \$19.00 Transfer Fee: \$12,600.00 Total Pages 5



Recording Area

Name and Return Address

Jonathan R. Dotson, Esq. Foley & Lardner LLP 777 East Wisconsin Avenue Milwaukee, WI 53202-5306

1900 (S) Schmitt Title

220 032400; 220 028100; 220 035200; 220 036600; 010 014900; 220 032300

Parcel Identification Number (PIN)

This is not homestead property. (is) (is not)

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances except: the Permitted Exceptions listed on the attached Exhibit B.

Dated March 31, 2008

ALTO DAIRY COOPERATIVE (SEAL) By: [Signature] (SEAL) \* Richard R. Scheuerman, President

(SEAL) (SEAL)

AUTHENTICATION

ACKNOWLEDGMENT

Signature(s)

authenticated on

TITLE: MEMBER STATE BAR OF WISCONSIN (If not, authorized by Wis. Stat. § 706.06)

THIS INSTRUMENT DRAFTED BY:

Robert W. Habich, Esq. Reinhart Boerner Van Deuren s.c.

(Signatures may be authenticated or acknowledged. Both are not necessary.)

STATE OF WISCONSIN ) ) ss. Milwaukee COUNTY) Personally came before me on 3-31-08 the above-named Richard R. Scheuerman

to me known to be the person(s) who executed the foregoing instrument and acknowledged to me to be the Notary Public. [Signature] Notary Public, State of Wisconsin My Commission (is permanent) (expires)

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED. WARRANTY DEED STATE BAR OF WISCONSIN FORM No. 1-2003

\*Type name below signatures.

EXHIBIT A  
TO WARRANTY DEED

Parcel 1

A parcel of land located in the Southeast 1/4 of the Southeast 1/4 of Section Eight (8), Township Twenty-three (23) North, Range Seventeen (17) East, Village of Black Creek, Outagamie County, Wisconsin, bounded and described as follows: Commencing 183 feet West of and 203 feet South of the Northeast corner of the Southeast 1/4 of the Southeast 1/4 of Section Eight (8), as the point of beginning; thence South 120.00 feet; thence West 150.00 feet; thence North 120.00 feet; thence East 150.00 feet to the point of beginning.

tax key no. 220 032400

Parcel 2

Part of the Southeast 1/4 of the Southeast 1/4 of Section 8, Township 23 North, Range 17 East, VILLAGE OF BLACK CREEK, Outagamie County, Wisconsin, described as follows: Commencing 383 feet West and 33 feet South from the Northeast corner of said Southeast 1/4 of the Southeast 1/4, said point also being the point of beginning; thence South 423 feet; thence West 433 feet, more or less to railroad right-of-way; thence North 423 feet, more or less along said right-of-way to a point 33 feet South of the North line of said Southeast 1/4 of the Southeast 1/4; thence East 433 feet to the point of beginning.

tax key no. 220 035200

Parcel 3

The West 138 feet of the South 73.33 feet of Block One (1), Hillyer's Addition (previously recorded as Hiller's Addition) in the Village of Black Creek, Outagamie County, Wisconsin.

tax key no. 220 028100

PARCEL 4

A parcel of land located in Government Lot 8, Section 8, Township 23 North, Range 17 East, Town of Black Creek and Village of Black Creek, Outagamie County, Wisconsin, which is more fully described as follows: Commencing at the South 1/4 corner of said Section 8; thence North 3 degrees 54 minutes 40 seconds East, 1310.46 feet along the North-South 1/4 line of said Section 8, to the Southwest corner of the North 1/2 of the Southeast 1/4; thence North 89 degrees 19 minutes 12 seconds East, 1290.96 feet along the South line of said North 1/2 of the Southeast 1/4 to the Southeast corner of the lands recorded in Volume 118 of Deeds, page 69; thence North 4 degrees 51 minutes 39 seconds East, 111.31 feet to the Northerly right-of-way line of S.T.H. "54", also being the point of beginning; thence continuing North 4 degrees 51 minutes 39 seconds East, 885.86 feet to the North line of said lands recorded in Volume 118 of Deeds, page 69; thence South 89 degrees 27 minutes 54 seconds West, 68.55 feet along said North line to the West line of Government Lot 8; thence North 2 degrees 12 minutes 19 seconds East,

314.01 feet along said West line of Government Lot 8, to the East-West 1/4 line of said Section 8; thence North 5 degrees 45 minutes 29 seconds East, 115.04 feet along said West line of Government Lot 8 to a point herein after referred to as point "A"; thence continuing North 5 degrees 45 minutes 29 seconds East, 23 feet, more or less, to the Southerly shore of Black Creek; thence Southeasterly, 221 feet more or less along said Southerly shore to the Westerly right-of-way line of the Soo Line Railroad; thence South 2 degrees 13 minutes 27 seconds East, 20 feet, more or less, along said Westerly right-of-way line to Point "B" said point being South 88 degrees 06 minutes 00 seconds East, 220.58 feet from Point "A"; thence continuing South 2 degrees 13 minutes 27 seconds East, 1328.26 feet along said Westerly right-of-way line to the Northerly right-of-way line of STH "54"; thence South 89 degrees 49 minutes 50 seconds West, 251.68 feet (recorded as 252.22 feet as per Wisconsin Highway Project number (6231-2-22) along said Northerly right-of-way line; thence North 63 degrees 36 minutes 16 seconds West, 56.35 feet along said Northerly right-of-way line to the point of beginning.

tax key no. 220 036600 & 010 014900

Parcel 5

Part of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Eight (8), Township Twenty-three (23) North, Range Seventeen (17) East, Village of Black Creek, Outagamie County, Wisconsin, described as follows: Commencing at the Northwest corner of Lot 1, Block 2, ELLIOTT'S ADDITION, Village of Black Creek, thence North 56 feet, thence West 150 feet, thence South 56 feet, thence East 150 feet to the place of beginning.

tax key no. 220 032300

EXHIBIT B  
TO WARRANTY DEED

PERMITTED EXCEPTIONS

Grantor: Alto Dairy Cooperative  
Grantee: Saputo Cheese USA Inc.

1. Municipal and zoning ordinances.
2. General taxes for the year 2008 and subsequent years, not now due or payable.
3. Easement contained in Instrument executed by Gust Waitas to The Commonwealth Telephone Co. and Wisconsin Michigan Power Co. dated March 1, 1946 and recorded in the Office of the Register of Deeds for Outagamie County, Wisconsin on March 1, 1946 as Vol. 309 on Page 361 as Document No. 389481.

As assigned by an Instrument by and between Verizon North Inc. f/k/a GTE North Inc. and Century Tel of Central Wisconsin LLC dated September 26, 2000 and recorded in the Office of the Registered of Deeds for Outagamie County, Wisconsin on November 9, 2000 as Document No. 1385887.

4. Easement contained in Instrument executed by Eunice F. Sasman to the Commonwealth Telephone Co. and Wisconsin Michigan Power Co. dated February 26, 1946 and recorded in the Office of the Register of Deeds for Outagamie County, Wisconsin on February 26, 1946 as Vol. 309 on Page 328 as Document No. 389322.

As assigned by an Instrument by and between Verizon North Inc. f/k/a GTE North Inc. and CenturyTel of Central Wisconsin LLC dated September 26, 2000 and recorded in the Office of the Register of Deeds for Outagamie County, Wisconsin on November 9, 2000 as Document No. 1385887.

5. Rights of the public in any portion of the subject premises lying below the ordinary high watermark of Black Creek, and rights of the government to regulate the use of the shore and riparian rights.

6. Corporation Conveyance of Easement contained in Instrument executed by Alto Dairy Coop to GTE North Incorporated, a Wisconsin Corporation, its successors and assigns dated July 11, 1996 and recorded in the Office of the Register of Deeds for Outagamie County, Wisconsin on August 13, 1996 as Jacket 18470 Image 21 as Document No. 1199816.

7. Easement Agreement contained in Instrument executed by and between Alto Dairy Cooperative, a Wisconsin cooperative and Precision Forest Associates, a Wisconsin General Partnership dated March 26, 1996 and recorded in the Office of the

Register of Deeds for Outagamie County, Wisconsin on March 29, 1996 as Jacket 17897 Images 51-56 as Document No. 1184052.

8. Grant of Utility Easement contained in Instrument executed by Alto Dairy Cooperative, a Wisconsin Association to the Village of Black Creek, a Wisconsin municipality dated September 17, 1993 and recorded in the Office of the Register of Deeds for Outagamie County, Wisconsin on June 30, 1995 as Jacket 16971 Images 13-14 as Document No. 1158648.

9. Individual Conveyance of Easement contained in Instrument executed by Wilfred T. Lindberg and Patricia S. Lindberg, his wife to GTE North Incorporated, a Wisconsin Corporation, its successors and assigns dated February 24, 1992 and recorded in the Office of the Register of Deeds for Outagamie County, Wisconsin on March 9, 1992 as Jacket 12129 Image 50 as Document No. 1030720.

As re-recorded on April 8, 1992 as Jacket 12268 Images 9-10 as Document No. 1034297.

10. Determination and declaration by the State Highway Commission of Wisconsin, recorded on July 8, 1986, as Jacket 6538 Images 41-46 as Document No. 890087, wherein said highway is designated as a controlled-access highway under the provisions of Section 84.25 of the Wisconsin Statutes.

11. Authorization for Access to or Across a Controlled-Access Highway contained in Instrument executed by and between the Department of Transportation and Outagamie Producers Cooperative dated February 25, 1987 and recorded in the Office of the Register of Deeds for Outagamie County, Wisconsin on February 26, 1987 as Jacket 7256 Image 38 as Document No. 907584.

12. Corporation Conveyance of Easement contained in Instrument executed by Alto Dairy Cooperative to GTE North Incorporated, a Wisconsin Corporation, its successors and assigns dated March 24, 1992 and recorded in the Office of the Register of Deeds for Outagamie County, Wisconsin on April 2, 1992 as Jacket 12237 Image 51 as Document No. 1033520.

13. Pipe Line Easement contained in Instrument executed by Glendon Dey to Wisconsin Gas Company, a Wisconsin corporation, its successors or assigns dated March 11, 1968 and recorded in the Office of the Register of Deeds for Outagamie County, Wisconsin on March 13, 1968 as Vol. 773 on Page 243-245 as Document No. 610330.

14. Groundwater Use Restriction contained in Instrument executed by Alto Dairy Cooperative, a Wisconsin Cooperative Creamery dated March 16, 1999 and recorded in the Office of the Register of Deeds for Outagamie County, Wisconsin on March 17, 1999 as Document No. 1317579.

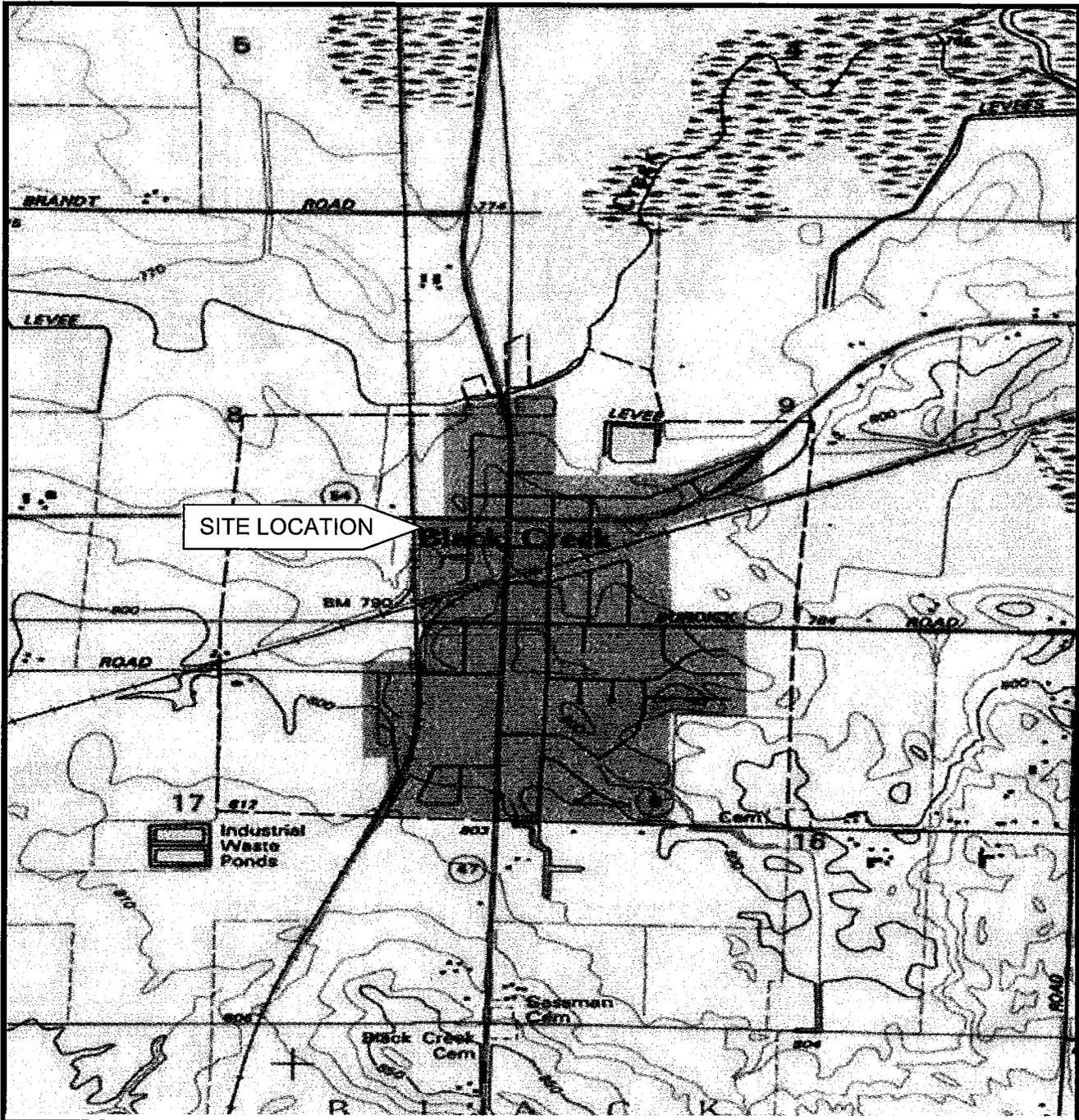
15. All matters disclosed on ALTA survey prepared by Excel Engineering, Inc. dated December 19, 2007 (Design No. 713540), as revised February 8, 2008.

**RP Statement**

I believe that the attached legal description accurately describes the correct contaminated property.

A handwritten signature in black ink, appearing to read 'Debra Guzman', is written over a horizontal line. The signature is stylized with a large loop at the beginning and a long, sweeping tail that extends to the right.

Debra Guzman  
Saputo Cheese USA Inc.



SOURCE: USGS 7.5-Minute Topographic Quadrangle;  
Black Creek, Wisconsin.

Scale 1 : 24,000

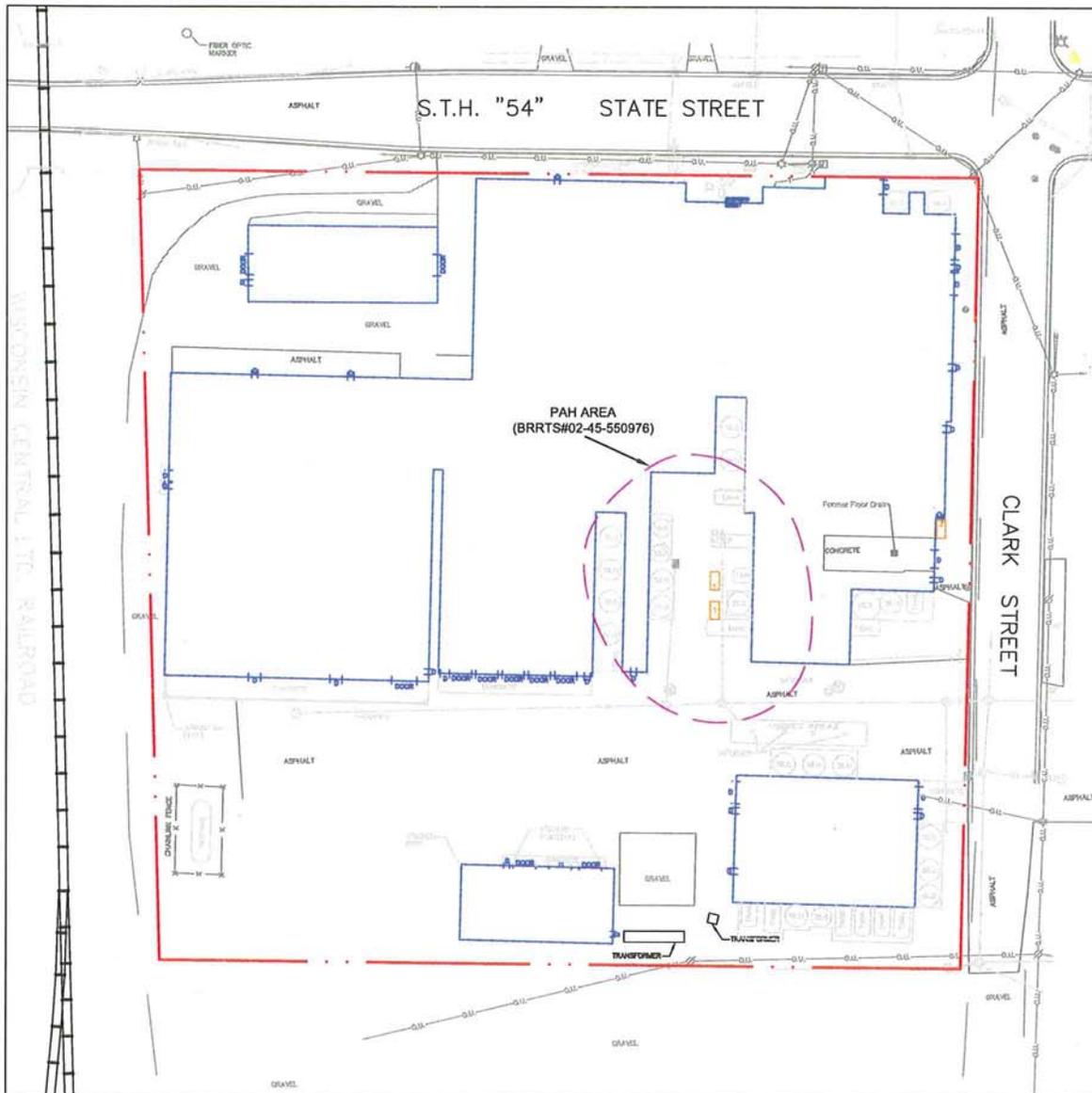


AECOM

FIGURE 1  
SITE LOCATION MAP

Former Alto Dairy  
307 North Clark Street  
Black Creek, Wisconsin

DRAWN: HEP	DATE: Jan 2009	PROJECT NO: 02812-091	REV: 0
CHECKED: DDCB			



**LEGEND**

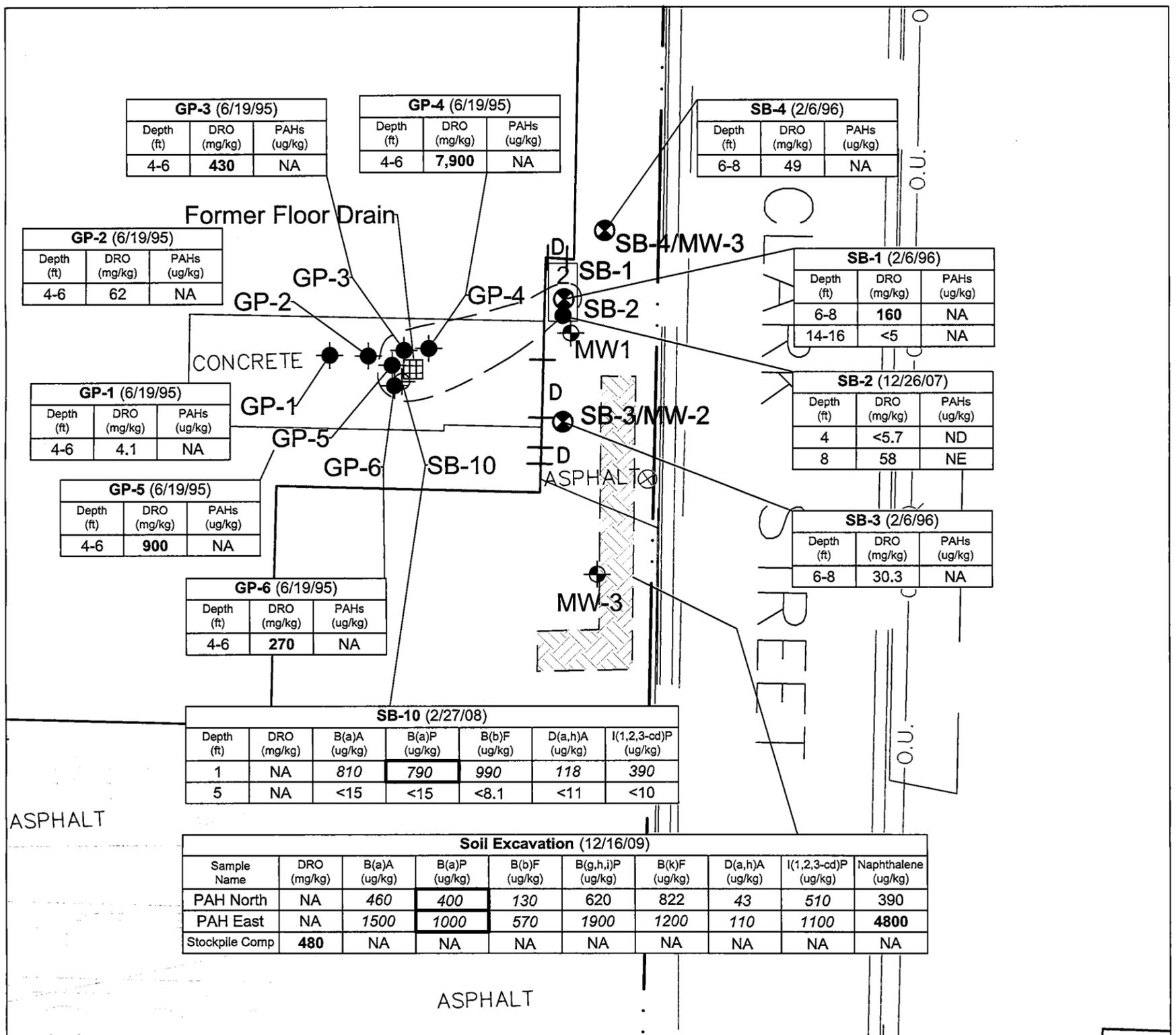
- ⊗ WATER VALVE IN BOX
- ⊙ EXISTING LIGHT POLE
- ⊙ UTILITY POLE
- ⊙→ UTILITY POLE WITH GUY WIRE
- ⊠ TELEPHONE PEDESTAL
- ⊠ EXISTING SQUARE CATCH BASIN
- PROPERTY LINE
- — — — — BUILDING OUTLINE
- — — — — CURB AND GUTTER
- x — — — — EXISTING CHAINLINK FENCE
- W — — — — EXISTING WATER LINE AND HYDRANT
- O.U. — — — — EXISTING OVERHEAD UTILITY LINE
- E — — — — EXISTING UNDERGROUND ELECTRIC CABLE
- T — — — — EXISTING UNDERGROUND TELEPHONE CABLE
- 1 FUEL OIL TANKS – REMOVED JULY 1995
- 2 DIESEL FUEL TANK – REMOVED JANUARY 1977



Saputo Cheese USA Inc  
 Source: Former Alto Dairy Site Plan

**Site Layout**  
 Former Alto Dairy  
 307 North Clark Street  
 Black Creek, Wisconsin  
 08-28-09 Job No. 02812-091

**Figure 2**  
 www.aecom.com



**LEGEND**

- GP-4 ● SOIL BORING INSTALLED June 19, 1995 by Dames & Moore
- SB-4/MW-3 ● SOIL BORING INSTALLED February 6, 1996 by Sigma
- SB-10 ● SOIL BORING INSTALLED December 26, 2007 by ENSR
- MW-1 ● SOIL BORING INSTALLED February 2008 by Northern Environmental
- SB-10 ● SOIL BORING INSTALLED February 2008 by Northern Environmental
- MW-3 ● SOIL BORING INSTALLED April 2010 by AECOM

ESTIMATED EXTENT OF SOIL RCL EXCEEDANCES

AREA OF OBSERVABLE IMPACTS (December 2009)

Note: Soil samples PAH North and PAH East collected December 2009 from soils excavated from area of observable impacts identified during sewer line replacement.

PROPERTY LINE  
BUILDING OUTLINE  
CURB AND GUTTER

2 DIESEL FUEL TANK - REMOVED JANUARY 1977

**Notes:**

DRO = Diesel Range Organics  
PAH = Polycyclic Aromatic Hydrocarbons  
B(a)A = Benzo(a)Anthracene  
B(a)P = Benzo(a)Pyrene  
B(b)F = Benzo(b)Fluoranthene  
B(g,h,i)P = Benzo(g,h,i)perylene  
B(k)F = Benzo(k)Fluoranthene  
D(a,h)A = Dibenzo(a,h)Anthracene  
I(1,2,3-cd)P = Indeno(1,2,3-cd)Pyrene

NA - Not Analyzed  
NE - No Exceedances of RCL  
ND - Not Detected

mg/kg - milligrams per kilogram  
ug/kg - micrograms per kilogram

Only constituents with one or more exceedances of Residual Contaminant Levels as defined in WAC Chapter NR 720, as calculated using WDNR PUB-RR-682, or as defined in WDNR PUB-519-97 are shown.

Concentrations in **bold** are at or above the groundwater protection RCL.  
Concentrations in *italics* are at or above the non-industrial direct contact RCL.  
Concentrations outlined are at or above the industrial direct contact RCL.



Scale: 1"=20'

Saputo Cheese USA Inc

Source: Former Alto Dairy Site Plan

**Extent of Soil Contamination**

Former Floor Drain/Diesel UST Area  
Former Alto Dairy  
307 North Clark Street  
Black Creek, Wisconsin  
07/06/10 Job No. 02812-091

Figure 4

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**TABLE 1**  
**Summary of Soil Analytical Results**

Former Floor Drain/ Diesel UST Area (BRRTS 02-45-000636)  
Former Alto Dairy Facility  
Black Creek, Wisconsin

Analyte	Dames & Moore: June 1995 Preliminary Site Investigation						Sigma: February 1996 Investigation				AECOM Dec. 2007 Phase II		Northern Feb. 2008 Inv.		AECOM Dec. 2009 Excavation			Residual Contaminant Level		
	GP-1	GP-2	GP-3	GP-4	GP-5	GP-6	SB1		SB3 (MW-2)	SB4 (MW-3)	SB-2		SB10		PAH North	PAH East	Stockpile Composte	Direct Contact (Non-Industrial)	Direct Contact (Industrial)	Groundwater Protection
	4'-6'	4'-6'	4'-6'	4'-6'	4'-6'	4'-6'	6'-8'	14'-16'	4'-6'	6'-8'	4'	8'	1'	5'	Grab	Grab	Comp			
	6/19/1995	6/19/1995	6/19/1995	6/19/1995	6/19/1995	6/19/1995	2/6/1996	2/6/1996	2/6/1996	2/6/1996	12/26/2007	12/26/2007	2/27/2008	2/27/2008	12/16/2009	12/16/2009	12/16/2009			
<b>Detected VOCs (ug/kg dry)</b>																				
n-Butylbenzene	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	<30	53	93	96	NA	NA	NA	NE	NE	NE
sec-Butylbenzene	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	<30	41	<25	69	NA	NA	NA	NE	NE	NE
Ethylbenzene	<2.5	<62	320	<310	530	78	77.4	<25	<25	<25	<30	<31	<25	<25	NA	NA	NA	1,560,000	15,000,000	2,900
Isopropylbenzene	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	<30	44	<25	43 J	NA	NA	NA	NE	NE	NE
Naphthalene	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	<60	200	54 J	190	NA	NA	NA	65,000	110,000	400
n-Propylbenzene	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	<30	97	<25	175	NA	NA	NA	NE	NE	NE
Toluene	<2.5	97	79	<310	480	75	<25	<25	<25	<25	<30	<31	<25	38 J	NA	NA	NA	1,250,000	55,000,000	1,500
1,2,4 Trimethylbenzene	<5.0	<120	<120	870	2300	<120	634	<25	56.3	61.8	<30	<31	<25	<25	NA	NA	NA	47,000	330,000	3,000
1,3,5 Trimethylbenzene	<5.0	700	870	<620	1100	<120	421	<25	61.5	61.8	<30	<31	<25	<25	NA	NA	NA	27,000	190,000	2,100
Xylenes, total	<20	<240	<240	<1240	1990	<240	57.4	<25	30.3	<25	<100	<100	<75	<75	NA	NA	NA	270,000	1,900,000	4,100
<b>PAHs (ug/kg dry)</b>																				
Acenaphthene	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	<60	<61	51	39	160	760	NA	900,000	60,000,000	38,000
Acenaphthylene	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	<100	<100	143	11 J	<200	<290	NA	18,000	360,000	700
Anthracene	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	<6.0	<6.1	312	<14	540	2100	NA	5,000,000	300,000,000	3,000,000
Benzo(a)anthracene	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	<6.0	<6.1	810	<15	460	1500	NA	88	3,900	17,000
Benzo(a)pyrene	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	<6.0	<6.1	790	<15	400	1000	NA	8.8	390	48,000
Benzo(b)fluoranthene	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	<6.0	<6.1	990	<8.1	130	570	NA	88	3,900	360,000
Benzo(g,h,i)perylene	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	<6.0	<6.1	440	<14	620	1900	NA	1,800	39,000	6,800,000
Benzo(k)fluoranthene	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	<6.0	<6.1	330	<11	800	1200	NA	880	39,000	870,000
Chrysene	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	<6.0	<6.1	830	<13	230	690	NA	8,800	390,000	37,000
Dibenzo(a,h)anthracene	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	<9.0	<9.2	118	<11	43	110	NA	8.8	390	38,000
Fluoranthene	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	<12	<12	1,460	<13	1500	6500	NA	600,000	40,000,000	500,000
Fluorene	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	<12	<12	121	97	470	1800	NA	600,000	40,000,000	100,000
Indeno(1,2,3-cd)pyrene	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	<6.0	<6.1	390	<10	510	1100	NA	88	3,900	680,000
1-Methylnaphthalene	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	<36	<37	13.4 J	141	290	2100	NA	1,100,000	70,000,000	23,000
2-Methylnaphthalene	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	<30	<31	<17	43J	1500	7700	NA	600,000	40,000,000	20,000
Naphthalene	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	<36	71	21.4 J	100	390	4800	NA	20,000	110,000	400
Phenanthrene	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	<6.0	<6.1	660	47 J	1700	6200	NA	18,000	390,000	1,800
Pyrene	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	<6.0	<6.1	1,320	<13	4700	8700	NA	500,000	30,000,000	8,700,000
<b>DRO (mg/kg dry)</b>	4.1	62	430	7,900	900	270	160	<5.0	30.3	49	<5.7	58	NA	NA	NA	NA	480	NE	NE	100
<b>GRO (mg/kg dry)</b>	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	<6.0	30 QU	NA	NA	NA	NA	NA	NE	NE	100

Notes:  
 Only analytes with reported concentrations are shown.  
 PAHs = Polynuclear aromatic hydrocarbons  
 DRO = Diesel range organics  
 GRO = Gasoline range organics  
 VOCs = Volatile organic compounds  
 NA = Not Analyzed  
 ND = Compound not detected above the method detection limit. Please note that ND is only listed when the historic laboratory reports were not available.  
 Industrial = Per Wisconsin Administrative Code (WAC) Chapter NR 720.  
 Direct Contact = RCLs that apply to soil collected within four feet of the ground surface, either as defined in WAC Chapter NR 720, as calculated using WDNR PUB-RR-682, or as defined in WDNR PUB-519-97.  
 Groundwater Protection = RCLs based on the protection of groundwater, either as defined in WAC Chapter NR 720 or as calculated using WDNR PUB-RR-682, or as defined in WDNR PUB-519-97.  
 NE = No standard has been established for compound  
 Concentrations in bold are at or above the groundwater protection RCL.  
 Concentrations in italics are at or above the non-industrial direct contact RCL.  
 Concentrations outlined are at or above the industrial direct contact RCL.  
 J = Result is greater than or equal to the limit of detection and less than the limit of quantitation.  
 QU = Unquantitated hydrocarbons present in the sample outside of the reported carbon range.  
 S2 = Compound is a common laboratory solvent and contaminant.  
 Results from Dames & Moore and Sigma investigation activities were taken from historic tables presented in prior reports.